IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

MFA.No. 1002 of 2002()

OPMV.638/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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APPELLANT: PETITIONER IN M.V.O.P.

T.K.SHIHAB S/O. KUNJU MOHAMMED,
MANIYANGATTU THUKALIL VEETTIL, MANJAPETTY,
MUDICKAL P.O., PERUMBAVOOR, ERNAKULAM.

BY ADV. SRI.P.T.GOVINDAN

RESPONDENTS: RESPONDENTS IN M.V.O.P.
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1. K.T.JOSEPH, S/O. K.T.VARKEY,
KOROTTUVEMPANICKAL HOUSE, SREEKANDAMANGALAM,
ATHIRAMPUZHA P.O., KOTTAYAM DISTRICT.

2. M.G.ANILKUMAR, S/O. GANGADHARAN NAIR,
MULANGATH HOUSE THADIKKAKADAVU SIDE,
VELIYATHUNADU KARA, KARUMALLOOR VILLAGE,
ERNAKULAM DISTRICT.

3. THE ORIENTAL INSURANCE CO.LTD.,
BY ITS REGIONAL MANAGER, REGIONAL OFFICE,
MUTHOOT TOWERS, M.G.ROAD, KOCHI-35.

4. P.A.ABDULLAKUTTY, PALLATH VEETTIL,
PALAPRASSERY KARA, CHENGAMANAD VILLAGE,
ERNAKULAM DISTRICT

5. KABEER, S/O. ABDULLAKUTTY, PALLATH
VEETTIL, PALAPRASSERY KARA, CHENGAMANAD VILLAGE,
ERNAKUAM DISTRICT.

BY ADV. SMT.BEENA SUZANNE THOMAS
SRI.VPK.PANICKER

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K. BASHEER, JJ

M.F.A. 1002/2002

Dated this the 17th day of October, 2007

JUDGMENT

Radhakrishnan, J

Claimant is the appellant. Only question arises in this appeal is whether the compensation awarded by the Tribunal to the appellant is just and proper. Learned counsel for the appellant submits that at the time of accident appellant was aged 21 years and correct multiplier should be 17 instead of 15. It is also submitted that only Rs.20,000 was awarded for the pain and suffering and considering the nature of injuries as well as the continued treatment, Twenty Thousand rupees awarded is very meagre.

2. Heard the learned counsel for the appellant as well as the respondents. After considering the fact that at the time of accident claimant was only 21 years of old the correct multiplier to be adopted was 17. Then the claimant will be entitled to get Rs.1,22,400/- instead of Rs.1,08,000/-. For pain and suffering, Tribunal awarded only Rs.20,000/-. Considering the nature of injuries and that the claimant was hospitalised for several occasions,

we are inclined to give an additional compensation of Rs.10,000/- for pain and suffering. In such circumstances, claimant is entitled to get an additional compensation of Rs.24,400/- with 7.5% of interest per annum from the date of petition till the date of payment.

Appeal is disposed of as above.

K.S.RADHAKRISHNAN
Judge

A.K. BASHEER
Judge

mrcs